

TERRENI
LAW FIRM, LLC

CHARLES L.A. TERRENI
ATTORNEY AT LAW

1508 LADY STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE (803) 771-7228
EMAIL CHARLES.TERRENI@TERRENILAW.COM
WWW.TERRENILAW.COM

November 19, 2020

The Honorable Jocelyn G. Boyd
Chief Clerk and Administrator
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

Re: 2020-275-S – Application for Expedited Consideration Requested in the matter of
Condor Environmental Incorporated, Requesting an Expansion of Its Existing Sewer
Service Area to Include Certain Portions of Anderson County and Saluda County and
Approval of Agreement (Requested for Expedited Review)

Dear Ms. Boyd:

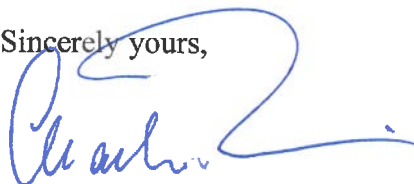
Please see the attached a corrected version of the above-referenced application. The one
filed on Saturday had an incorrect caption indicating the proposed expansion was in Pickens
County. As shown on the attached application, the caption should read "Anderson County". That
is the only difference.

I would appreciate the Clerk's office posting this version, instead of the one e-filed Friday
and amending the caption to replace "Pickens" with "Anderson."

By copy of this letter, I am notifying counsel for ORS and Consumer Affairs.

With best wishes, I am,

Sincerely yours,



Charles L.A. Terreni

cc: Members of Record

Enclosures

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2020-____-S**

IN RE: Application of Condor Environmental, Inc., Requesting An Expansion of Its Existing Sewer Service Area To Include Certain Portions of Anderson County and Saluda County and Approval of Agreement)))))))	APPLICATION (Expedited Consideration Requested)
--	---------------------------------	--

Condor Environmental, Inc., (“Applicant” or “Company”), pursuant to S.C. Code Ann. § 58-5-210 and 26 S.C. Code Ann. Regs. 103-501, 103-504, and 103-541 hereby applies to expand its authorized sewerage service area to include certain portions of Anderson County, South Carolina, and Saluda County, South Carolina, and approval of the following Agreements:

- (a) Gravity Sewer Agreement by and among Joe Francis, Carriage Place Homeowner’s Association, Inc., Condor Environmental, Inc., and Easley Combined Utilities, and
- (b) Onsite Wastewater System Agreement by and among Palmetto Pointe Development Company, LLC, Palmetto Point Community Association, Inc., and Condor Environmental, Inc.

EXPEDITED CONSIDERATION REQUESTED

Applicant respectfully requests expedited consideration of this Application. Both subdivisions are under development and have no public utility or governmental entity providing service in their areas. Carriage Place (“now known as “Carriage Hill”) has residents receiving service, and Palmetto Pointe expects to have residents early in 2021. However, Condor respectfully submits the public interest would be served by expediting this application so these customers can receive service.

In support of this Application, Condor would respectfully show:

1. Condor is a corporation organized and existing under the laws of the State of South Carolina. The Company was created in 1994 by Samuel D. Weaver, a licensed wastewater operator.

2. Condor is a public utility, as defined by S.C. Code Ann. § 58-5-10(4), authorized to operate wastewater systems under the jurisdiction of the Public Service Commission of South Carolina (the "Commission") in Greenville County, Spartanburg County, and Anderson County. Applicant's corporate charter is presently on file with the Commission and an appropriate bond has been posted.

CARRIAGE HILL SUBDIVISION

3. The sewer service area for which expansion is sought (the "Proposed Carriage Hill Service Area") is in Anderson County, South Carolina, includes a proposed estimated thirty (30) homes and is controlled by the Carriage Hill Homeowner's Association, Inc. ("Carriage Hill HOA"). It is the desire of the Carriage Hill HOA that Applicant operate, maintain, and own the sewerage collected by the Applicant will be transferred to Easley Combined Utilities for treatment and disposal. The Applicant and Carriage Hill HOA have entered into an Agreement dated June 7, 2018, amended on November 10, 2020, a copy of which is attached and incorporated herein by reference as Exhibit A. Applicant inadvertently failed to request approval of the 2018 agreement and asks the Commission to approve it *nunc pro tunc* with the 2020 amendment. Condor understands it should have requested approval to serve Carriage Place before providing service and does not intend to repeat the oversight in the future. As mitigation, Condor is unaware of any service complaints to ORS from this subdivision (or any other served by the Company).

4. The South Carolina Department of Health and Environmental Control (“DHEC”) requires that the ownership and maintenance responsibility for the gravity sewer be in the name of a utility.

5. Applicant agreed to assume ownership and maintenance responsibility for the gravity sewer to be located in the Proposed Carriage Hill Service Area. The Carriage Hill subdivision’s developer, Joe Francis, will convey to Applicant those certain sanitary sewer lines, manholes, valves, adjuncts, and appurtenances (excluding the pump station and force main) installed and located in the Proposed Carriage Hill Service Area.

6. The Proposed Carriage Hill Service Area is not served by any public utility providing sewer service subject to the jurisdiction of this Commission. No governmental entity has sewer service facilities in the Proposed Carriage Hill Service Area.

7. Attached and incorporated herein by this reference as Exhibit B is the Plat of the Proposed Service Area.

8. Condor will charge the rates and fees approved by the Commission for sewer collection service in Order 2016-74, Docket No. 2015-24-S. In Order 2016-74, the Commission approved Condor’s application to provide sewer collection service for treatment by Easley Combined Utilities to the Caledonia subdivision in Spartanburg County. Condor will charge these rates until the Commission approves different rates and charges for the utility.

9. Applicant also requests approval to pass-through any future increases from the sewer treatment provider, Easley Combined Utilities, for the Carriage Hill subdivision without mark-up. The purpose of this pass-through fee as the “monthly wastewater treatment fee” or the “WW fee” is for the fee charged to the Applicant by Easley Combined Utilities, will allow for a simple procedure to be used for increasing the rate for sewer treatment and disposal service to the

Applicant's customer in the identical amount of any increase in the wholesale rate. Condor will notify the HOA upon learning of a pending increase from Easley Combined Utilities (which gives Condor 30 days' notice of increase) and the HOA will notify its members within 15 days of receipt of notice from Condor. See Exhibit A, Amendment dated November 11, 2020, Section 3.

10. A summary of the rates and charges for Carriage Hill is provided in Exhibit C.

11. Attached and incorporated herein by this reference as Exhibit D are the technical specifications for the pump station and sewer lines for the Proposed Service Area certified to be in accordance with good engineering practices by Rodney E. Gray, a professional engineer registered in South Carolina.

12. Attached and incorporated herein by this reference as Exhibit E is the Construction Permit from DHEC approving the engineering plans and specifications.

13. Attached and incorporated herein by this reference as Exhibit F is the statement by Rodney E. Gray, a professional engineer registered in South Carolina, certifying the sewer lines were built and installed according to approved plans and specifications.

14. Attached and incorporated here by this reference is Exhibit G is DHEC's approval to place the pump station and sewer lines for the Proposed Service Area into operation.

PALMETTO POINTE SUBDIVISION

15. The sewer service area for which expansion is sought (the "Proposed Palmetto Pointe Service Area") is in Saluda County, South Carolina and include a proposed estimated forty-eight (48) homes and is controlled by the Palmetto Pointe Community Association, Inc. ("Palmetto Pointe HOA"). It is the desire of HOA that Applicant operates, maintains, and owns the sewerage collection system needed to collect sewage from the homes at the Palmetto Pointe Subdivision. The Applicant, Palmetto Pointe Development Company, LLC, and Palmetto Pointe Community

Association, Inc., have entered into an Agreement dated November 10, 2020, a copy of which is attached and incorporated herein by reference as Exhibit H.

16. DHEC required that the ownership and maintenance of the onsite wastewater system be in the name of a utility.

17. Applicant agreed to assume ownership and maintenance responsibility of the onsite wastewater system to be located in the Proposed Palmetto Pointe Service Area. American Land Holdings, LLC will convey to Applicant the onsite wastewater system via a Quit Claim Deed with the necessary easements and rights-of-way required to serve the Proposed Palmetto Pointe Service Area.

18. The Proposed Palmetto Pointe Service Area is not presently served by any public utility providing sewer service subject to this Commission's jurisdiction. No governmental entity has sewer service facilities in the Proposed Palmetto Pointe Service Area.

19. Attached and incorporated herein by this reference as Exhibit I is the Plat of the Proposed Palmetto Service Area.

20. Attached and incorporated herein by this reference as Exhibit J are the technical specifications for the onsite wastewater system for the Proposed Palmetto Pointe Service Area certified to be in accordance with good engineering practices by William Dennis, a professional engineer registered in South Carolina.

21. Attached and incorporated herein by this reference as Exhibit K is the Construction Permit from DHEC approving the engineering plans and specifications.

22. Construction of the system is not complete. Upon completion, it is expected that William Dennis, a professional engineer registered in South Carolina, will provide a letter certifying the onsite wastewater system was built and installed according to approved plans and

specifications. Upon issuance, a copy will be forwarded to the Commission and the Office of Regulatory Staff.

23. Upon completion of the system, DHEC is also expected to approve placing the onsite wastewater system for the Proposed Service Area into operation. Upon issuance, a copy will be forwarded to the Commission and the Office of Regulatory Staff.

24. Condor will only charge the systemwide rates and charges for sewer collection service approved for inspection and maintenance of a septic system by the Commission in Order 2012-824, Docket No. 2012-315-S. In Order 2012-824, the Commission approved Condor's application to operate a septic system for the Country Place subdivision in Greenville County. Condor will charge these rates until the Commission approves different rates and charges for the utility. A summary of the rates and charges is provided in Exhibit L.

WHEREFORE, having fully set forth its Application, Applicant respectfully requests that the Commission:

1. Grant the Applicant's request to expand its sewerage service area to include the Proposed Service Area as identified above pursuant to the terms, conditions, rates, and charges set forth in the specific Agreements and in this Application, and .
2. Grant Applicant the approval to pass-through any future increases from the sewer treatment provider for the Carriage Hill subdivision in the identical amount of any increase in the wholesale rate charged to the Applicant by Easley Combined Utilities; and
3. Waive hearing on the within matters be waived and that Applicant be granted such other and further relief as the Commission may deem just and proper.

s/ Charlie Terreni

Charles L.A. Terreni
Terreni Law Firm, LLC
1508 Lady Street
Columbia, South Carolina 29201
Tel. (803) 771-7228
charles.terreni@terrenilaw.com

November 14, 2020
Columbia, South Carolina

November 14, 2020

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA DOCKET NO.
2018-275-S

CERTIFICATE OF SERVICE

I, **CARL E. BELL**, hereby certify that I have, on this 19th day of November, 2020 served the *Cover Letter and Corrected APPLICATION in the matter of Condor Environmental, Inc.*, upon the parties listed below by email to the following addresses:

Alexander W. Knowles
Email: aknowles@ors.sc.gov

Andrew M. Bateman
Email: abateman@ors.sc.gov

Carri Grube Lybarker*
Email: clybarker@scconsumer.gov

Daniel Trammel
Email: danieltrammel@yahoo.com

Roger P. Hall*
Email: rhall@scconsumer.gov



Carl E. Bell
Terreni Law Firm, LLC
1508 Lady Street
Columbia, South Carolina 29201
Telephone (803) 771-7228
Fax (803) 771-8778
carlbell@terrenilaw.com

Columbia, South Carolina
November 19, 2020